

Case ID: 12CECG00119

Docket Start Date:

Docket Ending Date:

Case Description

Case ID: 12CECG00119 - Donnelle Newman vs City of Coalinga/Dismissed -JURY-

Filing Date: Wednesday, January 11th, 2012

Type: 23 - PI PD WD-Other

Status: OFF - Off calendar

Related Cases

No related cases were found.

Case Event Schedule

Event	Date/Time	Room	Location	Judge
Demurrer/Motion Strike	08-MAY-2012 03:27 PM	Central Division	Dept 501, 1130 O Street	Smith, M. Bruce
Case Management Conference	11-JUN-2012 11:00 AM	Central Division	Dept 404, 1130 O Street	Case Management, Conference
Demurrer/Motion Strike	16-AUG-2012 03:27 PM	Central Division	Dept 501, 1130 O Street	Smith, M. Bruce

Case Parties

Seq #	Assoc	Expn Date	Type	ID	Name
2			Civil Judge For All Purposes	MBS	Smith, M. Bruce
	Address: unavailable			Aliases:	<i>none</i>
3	4		Plaintiff	@3230089	Newman, Donnelle
	Address: unavailable			Aliases:	<i>none</i>
4			Petitioner/Plaintiff's Atty	146885	Ruggiero, Cheryl Konell
	Address: Konnell Ruggiero & Konell LLP 700 S. Flower St, Ste 2050 Los Angeles CA 90017			Aliases:	<i>none</i>
5	9		Defendant	@3230091	City of Coalinga
	Address: unavailable			Aliases:	<i>none</i>
6	9		Defendant	@3230092	O'Neal, Earl
	Address: unavailable			Aliases:	<i>none</i>
7	9		Defendant	@3230093	Ford, Scott
	Address: unavailable			Aliases:	<i>none</i>
8	9		Defendant	@3230094	Cisneros, Juan
	Address: unavailable			Aliases:	<i>none</i>
9			Defendant's Attorney	134865	Ramirez, Eugene P.
	Address: Manning & Kass 801 S. Figueroa St. 15th Fl			Aliases:	<i>none</i>

9		Defendant's Attorney	134865	Ramirez, Eugene P.
Address:	Manning & Kass 801 S. Figueroa St., 15th Fl, Los Angeles CA 90017	Aliases:	<i>none</i>	

Docket Entries

Filing Date	Description	Name	Monetary
11-JAN-2012 11:15 AM	New Civil Case Filed		
Entry:	<i>none.</i>		
11-JAN-2012 11:15 AM	Civil case cover sheet	Newman, Donnelle	
Entry:	Civil Case Cover Sheet sg		
11-JAN-2012 11:15 AM	Civil complaint filed	Newman, Donnelle	
Entry:	sg		
12-JAN-2012 11:15 AM	Summons filed	Newman, Donnelle	
Entry:	Summons on Complaint filed. sg		
12-JAN-2012 11:37 AM	Payment	Newman, Donnelle	
Entry:	A Payment of -\$395.00 was made on receipt CVCE160495.		
27-JAN-2012 03:07 PM	Notice filed	Newman, Donnelle	
Entry:	Notice of related case filed. sg		
28-FEB-2012 03:14 PM	Notice of motion filed	City of Coalinga,	
Entry:	Notice of motion and motion to strike portions of complaint; Memorandum of points and authorities filed. Hearing set on May 8th, 2012 at 3:30 in 501 . ks		
28-FEB-2012 03:15 PM	Notice of hearing filed	City of Coalinga,	
Entry:	Notice of hearing of Demurrer to Complaint; Demurrer; Memorandum of points and authorities filed. Hearing set on May 8th, 2012 at 3:30 in 501 . ks		
28-FEB-2012 03:16 PM	Government Exemption Claimed	City of Coalinga,	
Entry:	Government exemption to payment of filing fees claimed. ks		
01-MAR-2012 11:43 AM	Notice of CMC-Judge Assignment		
Entry:	Docket entry for the letter produced from CSAEVNT on 01-MAR-2012 by SAMGARCIA.		
22-MAR-2012 01:56 PM	POS of summons & comp personal	Ford, Scott	
Entry:	Proof of service of summons and complaint filed showing personal service on Scott Ford on 1-30-12. sg		

22-MAR-2012 01:56 PM	POS of summons & comp personal	Ford, Scott	
Entry:	Proof of service of summons and complaint filed showing personal service on Scott Ford on 1-30-12. sg		
22-MAR-2012 01:57 PM	POS of summons & comp personal	City of Coalinga,	
Entry:	Proof of service of summons and complaint filed showing personal service on Mercedes Garcia, agent for service on 1-30-12. sg		
22-MAR-2012 01:58 PM	POS of summons & comp personal	O'Neal, Earl	
Entry:	Proof of service of summons and complaint filed showing personal service on Earl O'Neal on 1-30-12. sg		
22-MAR-2012 01:59 PM	POS of summons & comp personal	Cisneros, Juan	
Entry:	Proof of service of summons and complaint filed showing personal service on Juan Cisneros on 1-31-12. sg		
12-APR-2012 02:13 PM	Memorandum of P & A filed	Newman, Donnelle	
Entry:	Memorandum of points and authorities in opposition to motion to strike filed. sg		
12-APR-2012 02:14 PM	Memorandum of P & A filed	Newman, Donnelle	
Entry:	Memorandum of points and authorities in opposition to demurrer motion filed. sg		
02-MAY-2012 11:07 AM	Reply filed	City of Coalinga,	
Entry:	Reply to opposition to motion to strike portions of complaint; Memorandum of points and authorities filed. ks		
02-MAY-2012 11:09 AM	Reply filed	City of Coalinga,	
Entry:	Reply to opposition to demurrer to complaint; Memorandum of points and authorities filed. ks		
04-MAY-2012 03:54 PM	Case Management Conf Stmt	City of Coalinga,	
Entry:	Case Management Conference Statement filed. ks		
07-MAY-2012 04:59 PM	Case Management Conf Stmt	Newman, Donnelle	
Entry:	Case Management Conference Statement filed. msm		
08-MAY-2012 09:20 AM	Minute order printed		
Entry:	Docket entry for the letter produced from CDAEVNT on 08-MAY-2012 by LWHIPPLE.		
08-MAY-2012 09:23 AM	Clerk Cert of Mailing Printed		
Entry:	Docket entry for the letter produced from CDAEVNT on 08-MAY-2012 by LWHIPPLE.		
08-MAY-2012 03:25 PM	Minute order Judge Smith		
Entry:	Minute Order from Dept.: #501 Clerk: L. Whipple Reporter: L. Bjerke Nature of Hearing: Demurrer / Motion to Strike Case Management Conference on 05-21-12 is Vacated. Continued to 06-11-12 at 11:00 a.m. in Dept. #501 for Case Management Conference. Matter is argued and Submitted. Tentative ruling becomes the Order of the Court. No further order is necessary. To Overrule the Demurrer as to the 1st, 2nd, 3rd and 5th causes of action. To Sustain the Demurrer to the 4th and 6th causes		

Entry: Minute Order from Dept.: #501 Clerk: L. Wnipple Reporter: L. Bjerke Nature or Hearing: Demurrer / Motion to Strike Case Management Conference on 05-21-12 is Vacated. Continued to 06-11-12 at 11:00 a.m. in Dept. #501 for Case Management Conference. Matter is argued and Submitted. Tentative ruling becomes the Order of the Court. No further order is necessary. To Overrule the Demurrer as to the 1st, 2nd, 3rd and 5th causes of action. To Sustain the Demurrer to the 4th and 6th causes of action, for failure to state facts sufficient to constitute causes of action. To Grant the Motion to Strike the references to emotional distress damages from the complaint, and the prayer for atty. fees, etc. Please refer to minute order for more information. gs

11-MAY-2012 09:43 AM Motion for continuance granted

Entry: Court orders motion for continuance granted. CMC continued to 6/11/12 at 11:00 in Dept. 404. kan

14-MAY-2012 08:41 AM Notice filed Newman, Donnelle

Entry: Notice of Continuance of Case Management Conference filed. msm

14-MAY-2012 09:30 AM Amended document filed Newman, Donnelle

Entry: 1st Amended Complaint for Damages and Jury Demand filed. (gac)

31-MAY-2012 02:13 PM Notice of hearing filed City of Coalinga,

Entry: Notice of hearing of Demurrer to First amended complaint; Memorandum of points and authorities filed. Hearing set on August 16, 2012 at 3:30 in 501 . ks

01-JUN-2012 02:53 PM Government Exemption Claimed City of Coalinga,

Entry: Government exemption to payment of filing fees claimed.

01-JUN-2012 02:53 PM Notice of motion filed City of Coalinga,

Entry: Notice of motion to strike portions of first amended complaint filed. Hearing set on 8/16/12 at 3:30 pm in Department 501. dhouston

08-JUN-2012 09:40 AM Minute order printed

Entry: Docket entry for the letter produced from CDAEVNT on 08-JUN-2012 by CPRENDERGAST.

08-JUN-2012 09:45 AM Clerk Cert of Mailing Printed

Entry: Docket entry for the letter produced from CDAEVNT on 08-JUN-2012 by CPRENDERGAST.

11-JUN-2012 04:10 PM Jury requested by both/all

Entry: Jury requested by both plaintiff and defendant/all parties. lkc

11-JUN-2012 04:10 PM Case Management Conf Minutes

Entry: Case set for trial: Jury Trial set for 7-29-13 at 9:00 a.m. in Department 503. Time estimate: 3-8 days Trial Readiness set for 7-26-13 at 9:30 a.m. in Department 503. Mandatory Settlement Conference set for 7-3-12 at 1:30 p.m. in Room 575. OSC for failure to file ADR Stipulation set for 8-16-12 at 9:00 a.m. in Department 401. lkc

13-JUN-2012 08:22 AM ADR Stipulation - Mediation

Entry: ADR stipulation filed - parties to engage in mediation. Mediator: Robert Durbrow csp

Entry:	ADR stipulation filed - parties to engage in mediation. Mediator: Robert Durbrow csp		
30-JUL-2012 04:46 PM	Notice of change of address	Ruggiero, Cheryl Konell	
Entry:	Notice of change of address of Konell Ruggiero & Konell LLP cs		
09-AUG-2012 01:52 PM	Reply filed	City of Coalinga,	
Entry:	Reply to Opposition Demurrer to First Amended Complaint; Memorandum of Points and Authorities filed. lmi		
09-AUG-2012 01:53 PM	Reply filed	City of Coalinga,	
Entry:	Reply to Opposition to Motion to Strike Portions of First Amended Complaint; Memorandum of Points and Authorities filed. lmi		
15-AUG-2012 02:23 PM	Off calendar		
Entry:	Case is off calendar for ADR Stip on 8/16/12 at 9:00 AM in Dept 401. ADR Stipulation filed by all parties. kjr		
16-AUG-2012 09:16 AM	Minute order printed		
Entry:	Docket entry for the letter produced from CDAEVNT on 16-AUG-2012 by LWHIPPLE.		
16-AUG-2012 09:17 AM	Clerk Cert of Mailing Printed		
Entry:	Docket entry for the letter produced from CDAEVNT on 16-AUG-2012 by LWHIPPLE.		
16-AUG-2012 02:16 PM	Minute order Judge Smith		
Entry:	Minute Order from Dept.: 501 Clerk: L Whipple Reporter: not reported Nature of Hearing: Demurrer/Motion to strike Demurrer - overruled. Motion to Strike - granted. Tentative ruling becomes the order of the court. No further order is necessary. dhouston		
15-OCT-2012 02:10 PM	Notice of motion filed	Newman, Donnelle	
Entry:	Notice of motion for leave to file second amended filed. Hearing set on 1/23/12 at 3:30 pm in Department 501. dhouston		
16-OCT-2012 02:12 PM	Payment	Newman, Donnelle	
Entry:	A Payment of -\$60.00 was made on receipt CVCE170580.		
10-DEC-2012 02:49 PM	Stipulation and Order	Newman, Donnelle	
Entry:	Payment for Stipulation and order (not requiring a hearing) taken. Stipulation and order forwarded for signature to Dept. #501. gs order signed and forwarded to clerks office for further processing 10/18/12. lmw		
12-DEC-2012 11:51 AM	Payment	Newman, Donnelle	
Entry:	A Payment of -\$20.00 was made on receipt CVCE172564.		
19-DEC-2012 03:32 PM	Stipulation and Order filed	Newman, Donnelle	
Entry:	Stipulation and Order it is Herby Ordered that: Plaintiff may file and serve 2nd amended complaint with 10 days of notice of this Order. Defendants shall file their Answer to the 2nd amended complaint within 20 days of service upon counsel if that Complaint. Should the Plotnik vs. Meihaus case be overturned during the pendency of this action, the claim for emotional distress in the trespass to chattel cause of action shall be deemed stricken,. It is so Ordered, signed by Judge M. Bruce Smith		

Entry: Stipulation and Order it is Herby Ordered that: Plaintiff may file and serve 2nd amended complaint within 10 days of notice of this Order. Defendants shall file their Answer to the 2nd amended complaint within 20 days of service upon counsel if that Complaint. Should the Plotnik vs. Meihaus case be overturned during the pendency of this action, the claim for emotional distress in the trespass to chattel cause of action shall be deemed stricken,. It is so Ordered, signed by Judge M. Bruce Smith and filed. gs

07-JAN-2013 02:16 PM	Amended document filed	Newman, Donnelle	
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Entry:	Second Amended Complaint filed. gar		
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14-JAN-2013 08:43 AM	Off calendar		
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Entry:	Off calendar for motion to file amended complaint scheduled for 1/23/13 - signed stip to amend filed lp .		
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11-FEB-2013 04:52 PM	Answer filed	City of Coalinga,	
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Entry:	Answer to second amended complaint filed. sg		
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20-FEB-2013 04:54 PM	Order Received for Signature		
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Entry:	Order:Joint stipulation to continue trial Forwarded to: 501 Order signed forwarded to clerks office for further processing.2/26/13 lmw sg		
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20-FEB-2013 04:54 PM	Government Exemption Claimed	City of Coalinga,	
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Entry:	Government exemption to payment of filing fees claimed. sg		
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25-FEB-2013 02:34 PM	Stipulation and Order filed	City of Coalinga,	
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Entry:	Stipulation and Order based on the foregoing paties stipulate to continuing the Final Status Conference and Trial dates for a period of 6 montsh. It is Therefore Ordered that: the present trial date of 07-29-13 be continued to 02-03-14, and that all trial-related dates be continued in accordance with the new trial date as if the 1st date set for Trial, signed by Judge M. Bruce Smith and filed. gs		
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25-FEB-2013 03:42 PM	Off calendar		
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Entry:	Off calendar for MSC scheduled for 07-03-13. per Judge Smith gs		
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25-FEB-2013 03:49 PM	Off calendar		
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Entry:	Off calendar for TRR scheduled for 07-26-13. per Judge Smith gs		
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25-FEB-2013 03:51 PM	Off calendar		
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Entry:	Off calendar for JT scheduled for 07-29-13. per Judge Smith gs		
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28-FEB-2013 02:53 PM	Notice of Cal Setting Printed		
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Entry:	Docket entry for the letter produced from CSAEVNT on 28-FEB-2013 by KNAVARETTE.		
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06-MAR-2013 10:28 AM	Answer filed	O'Neal, Earl	
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Entry:	Answer to 2nd amended complaint filed. le		
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06-MAR-2013 10:28 AM	Answer filed	Ford, Scott	
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06-MAR-2013 10:28 AM	Answer filed	Ford, Scott	
Entry:	Answer to second amended complaint filed. le		
06-MAR-2013 10:29 AM	Answer filed	Cisneros, Juan	
Entry:	Answer to second amended complaint filed. le		
10-APR-2013 12:38 PM	Notice of settlement filed		
Entry:	Notice of settlement of entire action filed pursuant to CRC 3.1385. Dismissal to be filed by: 5/25/13 rls		
16-APR-2013 12:40 PM	Off calendar		
Entry:	Off calendar for all trial dates. Notice of Settlement filed. rls		
16-APR-2013 12:40 PM	Off calendar		
Entry:	Off calendar for all trial dates. Notice of Settlement filed. rls		
16-APR-2013 12:41 PM	Off calendar		
Entry:	Off calendar for all trial dates. Notice of Settlement filed. 225 Dismissal Hearing set for 7/22/13 at 1:00 pm in Room 104 rls		
16-APR-2013 12:42 PM	Notice of CRC 225 Hrng Printed		
Entry:	Docket entry for the letter produced from CSAEVNT on 16-APR-2013 by RLSMITH.		
10-JUL-2013 10:16 AM	Dismissal filed.	Newman, Donnelle	
Entry:	Request for Dismissal filed. Action dismissed With prejudice. gs		
10-JUL-2013 10:17 AM	Off calendar		
Entry:	Off calendar for 225 scheduled for 07-22-13. gs		

1 Cheryl Konell Ruggiero – Bar No. 146885
2 Jerome J. Konell – Bar No. 150394
2 KONELL RUGGIERO & KONELL LLP
700 S. Flower Street, Suite 3280
3 Los Angeles, CA 90017
4 Phone 213-538-1360; Fax 213-538-1368
4 E-Mail: cheryl@krklaw.net

FILED
JAN 17 2003

FRESNO COUNTY SUPERIOR COURT
By _____

5 Attorneys for Plaintiff, DONNELLE NEWMAN

6

7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 FOR THE COUNTY OF FRESNO

11 DONNELLE NEWMAN,

12 Plaintiff,

13 vs.

14 CITY OF COALINGA; EARL O'NEAL;
15 SCOTT FORD; JUAN CISNEROS; and
15 DOES 1 – 20, inclusive,

16 Defendants.

CASE NO. 12 CE CG 00119

Unlimited Civil Action

Assigned to The Hon. M. Bruce Smith

**SECOND AMENDED COMPLAINT FOR
DAMAGES:**

1. Negligence
2. Trespass to Chattel
3. Conversion
4. Intentional Infliction of Emotional Distress
5. Violation of Statute

JURY DEMAND

20 Plaintiff DONNELLE NEWMAN complains and alleges as follows:

21 **I. NATURE OF THE ACTION**

22 1. This is a civil action brought by Plaintiff DONNELLE NEWMAN ("Plaintiff" or
23 "NEWMAN") for negligent and intentional torts, as well as statutory violations. Plaintiff is
24 seeking general damages against Defendant CITY OF COALINGA (Defendant(s) or "CITY") and
25 general and exemplary damages against EARL O'NEAL (Defendant(s) or "O'NEAL"); SCOTT
26 FORD (Defendant(s) or "FORD") and JUAN CISNEROS (Defendant(s) or "CISNEROS").

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II. JURISDICTION AND VENUE

2 2. This Court has jurisdiction over these claims under California *Civil Code* §§ 1708, 3333
3 and 3340.

4 3. The acts and/or omissions that form the basis for the causes of action in this first amended
5 complaint occurred in the City of Coalinga, County of Fresno, State of California, and Plaintiff is
6 seeking damages in excess of \$25,000.

III. PARTIES

8 4. Plaintiff NEWMAN was, at all times relevant to this first amended complaint and the
9 underlying incidents, and still is, a resident of the City of Coalinga, California.

10 5. Defendant CITY was, at all times relevant to this first amended complaint and the
11 underlying incident, and still is, a public entity organized and existing under the laws of the State
12 of California, with central offices located at 155 West Durian, Coalinga, California 93210.
13 Defendant CITY, specifically the Coalinga Police Department, had control over, and supervised,
14 the Animal Control Center in the City of Coalinga.

15 6. Upon information and belief, Defendant O'NEAL was, at all times relevant to this first
16 amended complaint and the underlying incident, and still is, an individual residing in or near the
17 City of Coalinga, County of Fresno, California. At all relevant times to this first amended
18 complaint, O'NEAL was, and upon information and belief still is, a full time employee and police
19 officer with the Coalinga Police Department, located at 270 North 6th Street, Coalinga, California
20 93210. Defendant O'NEAL is being sued in his individual/personal capacity and in his official
21 capacity as a police officer with the City of Coalinga.

22 7. Upon information and belief, Defendant FORD was, at all times relevant to this first
23 amended complaint and the underlying incident, and still is, an individual residing in or near the
24 City of Coalinga, County of Fresno, California. At all relevant times to this first amended
25 complaint, FORD was, and upon information and belief still is, a full time employee and police
26 officer with the Coalinga Police Department, located at 270 North 6th Street, Coalinga, California
27 93210. Defendant FORD is being sued in his individual/personal capacity and in his official
28 capacity as a police officer with the City of Coalinga.

1 8. Upon information and belief, Defendant CISNEROS was, at all times relevant to this first
2 amended complaint and the underlying incident, and still is, an individual residing in or near the
3 City of Coalinga, County of Fresno, California. At all relevant times to this first amended
4 complaint, CISNEROS was, and upon information and belief still is, a full time employee and
5 police officer with the Coalinga Police Department, located at 270 North 6th Street, Coalinga,
6 California 93210. Defendant CISNEROS is being sued in his individual/personal capacity and in
7 his official capacity as a police officer with the City of Coalinga.

8 9. Plaintiff is unaware of the true names and capacities, whether corporate, associate,
9 individual, partnership or otherwise, of Defendants DOES 1 – 20, inclusive, and therefore sues
10 such Defendants by such fictitious names. Plaintiff will seek leave of the Court to amend this first
11 amended complaint to allege their true names and capacities when ascertained.

12 10. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named
13 Defendants engaged in intentional, reckless or negligent conduct and is responsible in some
14 manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were
15 directly and legally (proximately) caused by such Defendants' conduct.

16 11. Each of the Defendants (including all DOE Defendants), in carrying out the acts
17 complained of herein, was acting in the course and scope of his, her, their or its employment and/or
18 as the employer, employee, principal, co-conspirator and/or agent of each of the other Defendants
19 and/or in concert with the other Defendants and/or in partnership with the other Defendants and/or
20 as a joint venture with the other Defendants.

21 12. Reference to actions or conduct of "Defendants" or to "Defendants, and each of them,"
22 shall include the singular and plural and shall include all Defendants in this action, whether named
23 or designated as a DOE. Reference to any singular Defendant shall include all DOE Defendants to
24 which the facts later are shown to apply.

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IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

2 13. On or about September 26, 2011, Plaintiff submitted her Government Tort Claim for
3 Damages against the CITY. A copy of that Claim is attached hereto and incorporated herein as
4 Exhibit A.

5 14. Plaintiff's Claim was rejected by letter dated November 9, 2011. A copy of that rejection
6 letter is attached hereto and incorporated herein as Exhibit B.

V. FACTUAL ALLEGATIONS AND THE LAW

8 15. The event that gives rise to this first amended complaint for damages occurred on or about
9 February 19, 2011, in the City of Coalinga at or near the Animal Control Center under the
10 supervision of the Coalinga Police Department (Coalinga Police Department Support Services).
11 Specifically, on May 16, 2011, NEWMAN learned that on or about February 19, 2011, her two
12 dogs, Mary Jane and China, while in the custody of Animal Control and the Coalinga Police
13 Department, were taken, tortured and killed by on-duty Coalinga Police Officers – Defendants
14 O'NEAL, FORD and CISNEROS. According to witnesses, NEWMAN was not to be informed of
15 the brutal slaying of her dogs. When NEWMAN learned of the horrific events, she filed a
16 Complaint with the Police Department and City of Coalinga. The Fresno County District
17 Attorney's Office also was informed of the events and circumstances that give rise to Plaintiff's
18 complaints.

19 16. NEWMAN's two dogs, who had been taken from her home previously due to their alleged
20 killing of two other dogs, owned by Officer O'NEAL, were in the custody and control of Animal
21 Control at the time of their taking. Animal Control Officer Michael McLeod placed the two dogs
22 in the Animal Control truck at the request of O'NEAL, who then drove the dogs to an isolated
23 location and subjected them to gruesome, painful and cruel mistreatment; he then unlawfully and
24 savagely shot and killed them with the assistance of Defendants FORD and CISNEROS. Plaintiff
25 alleges that Officer O'NEAL directed and participated in these crimes for revenge, both against the
26 dogs and, more importantly, against NEWMAN, whom he believed had been irresponsible in
27 allowing the dogs to get out of their fenced yard.

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1 17. Shortly before the incidents involving the dogs, Defendant-Police Officer FORD had
2 pulled over NEWMAN, while driving, for no apparent reason. FORD claimed that NEWMAN had
3 failed to stop at a stop sign, which NEWMAN denied. FORD then told NEWMAN that he could
4 "take care of it" if NEWMAN would go out to dinner with him. NEWMAN declined, but was not
5 given the traffic ticket. About two months thereafter, FORD impounded NEWMAN's vehicle for
6 being parked on the street for too long and for allegedly being situated over 18 inches from the
7 curb (photos show otherwise). NEWMAN's vehicle was towed, despite the fact that she never
8 received proper notice beforehand; NEWMAN had to spend \$140 to recover her vehicle.
9 NEWMAN was eight months pregnant at the time.

10 18. On the day that NEWMAN submitted her Citizen's Complaint about her dogs being shot,
11 O'NEAL and FORD were present at the Coalinga Police Department (where the paperwork was
12 turned in). Soon thereafter, FORD pulled over NEWMAN's brother at the same time he pulled
13 over the brother's friend (two cars pulled over simultaneously for speeding). FORD let the friend
14 off and began writing NEWMAN's brother a speeding ticket. When the brother complained,
15 FORD called his supervisor, who informed FORD that he had to write both up or neither. Upon
16 information and belief, NEWMAN's brother did not get a ticket that day.

17 19. After the dog incidents, O'NEAL, who lived next door to NEWMAN, began blasting his
18 music, making unnecessary loud noises and would run/jog by NEWMAN very close to her body,
19 which felt threatening to NEWMAN. Due to the strange behavior being exhibited by O'NEAL,
20 NEWMAN would not allow her children to play outside without her or her male partner being
21 present. O'NEAL sometimes would jog by NEWMAN and stare at her in a frightening manner.

22 20. After the dog incidents, CISNEROS seemed to appear out of nowhere and point and laugh
23 at her; once, this occurred at a stop sign. Also, NEWMAN was followed by CISNEROS on more
24 than one occasion.

25 21. On or about May 17, 2011, the day after NEWMAN had visited the City of Coalinga to
26 file her Citizen's Complaint, NEWMAN's mother, Coalinga Reserve Officer Deborah Ireland, was
27 terminated from the Reserve Officer Corp.

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1 22. Upon information and belief, when a dog is surrendered by an owner in the City of
2 Coalinga, that owner has two days to take back the dog; during the following four to six days, the
3 dog is kept at the Animal Shelter and that dog, if not adopted by anyone else, could still be returned
4 to the owner at the owner's request. If the dog is not returned to the owner or adopted out, the dog
5 is taken to the Fresno SPCA when the Animal Control Officer next drives to Fresno, where it may
6 or may not be euthanized. Based upon this practice of the City of Coalinga Animal Control,
7 NEWMAN could have asked for her dogs back within at least the first six days after they were
8 taken by Animal Control on February 14, 2011. NEWMAN retained ownership rights to the two
9 dogs and, without a doubt, would have requested the dogs back if she had known that they would
10 be tortured and shot by Coalinga Police Department officers on February 19, 2011.

11 23. As a result of the shocking behavior of government officials and employees, NEWMAN
12 has suffered, and continues to suffer, emotional distress, and continues to mourn the inhumane
13 deaths of her two family dogs.

14 24. Concerning animals and animal impoundment, Section 6-1.02 of the Coalinga Municipal
15 Code states, in pertinent part, the following: "It shall be the duty of all Peace Officers to cooperate
16 with and assist the Animal Control Officers in the enforcement of the provisions of this chapter
17 and to [h]umanely destroy or give emergency care to sick or injured animals including dogs and
18 cats." Coalinga MC § 6-1.02(a)(4).

19 25. California *Civil Code* § 3340 states: "For wrongful injuries to animals being subjects of
20 property, committed willfully or by gross negligence, in disregard of humanity, exemplary
21 damages may be given."

22 26. When an animal is taken in by a shelter, it is a "deposit" of that animal for legal purposes.
23 "A depositary of living animals shall provide the animals with necessary and prompt veterinary
24 care, nutrition, and shelter and treat them kindly. Any depositary that fails to perform these duties
25 may be liable for civil damages as provided by law." *Civil Code* § 1834.

26 27. "If a thing is lost or injured during its deposit, and the depositary refuses to inform the
27 depositor of the circumstances under which the loss or injury occurred, so far as he has information

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1 concerning them, or willfully misrepresents the circumstances to him, the depositary is presumed
2 to have willfully, or by gross negligence, permitted the loss or injury to occur." *Civil Code* § 1838.

3 28. Ending a life must be done by a veterinarian or other professional in a humane manner.
4 Failure to do so is a misdemeanor or a felony: "... every person who ...maliciously and intentionally
5 kills an animal, is guilty of a [felony]...every person who... cruelly kills any animal...or causes or
6 procures any animal to be... cruelly killed is guilty of a misdemeanor or a felony..." *Penal Code*
7 § 597. Animals must be transported in a humane manner; all parties (including officers) to
8 inhumane transport of a seized animal are guilty of a misdemeanor. *Penal Code* § 597(a).

9 29. Plaintiff herein alleges that Defendants, and each of them, negligently, recklessly and
10 willfully tortured and murdered two dogs in their care and custody, in violation of the law, causing
11 damages to Plaintiff.

12 **FIRST CAUSE OF ACTION**
13 **FOR NEGLIGENCE**
14 **AGAINST ALL DEFENDANTS AND DOES 1-10, INCLUSIVE**

15 30. Plaintiff re-alleges each allegation contained in each and every previous paragraph as
16 though fully set forth herein.

17 31. Defendants, and each of them, had a duty to the community and to Plaintiff to respect
18 Plaintiff's property and the value of Mary Jane's and China's lives. This duty included avoiding
19 causing harm to Mary Jane and China. This duty is outlined in the CITY's own Municipal Code
(Section 6-1.02(a) et seq.) and in the *California Civil Code* (Section 1834, as one example).

20 32. Defendants breached this duty when they allowed Mary Jane and China to be taken from
21 the Animal Control Center, and when they tortured and shot the two dogs on or about February 19,
22 2011, in total disregard of humanity.

23 33. Defendants' acts caused the deaths of Mary Jane and China, thereby a total loss to
24 Plaintiff of the value of her two dogs in an amount according to proof.

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SECOND CAUSE OF ACTION
FOR TRESPASS TO CHATTEL
AGAINST INDIVIDUAL DEFENDANTS AND DOES 10-15, INCLUSIVE

3 34. Plaintiff re-alleges each allegation contained in each and every previous paragraph as
4 though fully set forth herein.

5 35. Defendants knew or had reason to know that Mary Jane and China belonged to Plaintiff,
6 even though the two dogs had been taken to the Animal Control Center for impounding due to their
7 alleged aggressive acts toward other dogs. Thereafter, Plaintiff never received notice that her two
8 dogs were available for her to take back home or that they would be killed. Certainly, even if
9 Plaintiff believed that her two dogs would be euthanized, she never would have thought that they
10 would be painfully and brutally tortured and killed.

11 36. Defendants, and each of them, purposefully tortured and shot bullets at and upon Mary
12 Jane and China, thereby causing their deaths.

13 37. Defendants' acts were done without Plaintiff's permission and in disregard of humanity.

14 38. Defendant's unauthorized acts resulted in Mary Jane's and China's deaths, thereby a total
15 loss to Plaintiff of the value of her two dogs and, more importantly, devastating emotional distress,
16 in an amount according to proof.

THIRD CAUSE OF ACTION
FOR CONVERSION
AGAINST INDIVIDUAL DEFENDANTS AND DOES 10-15, INCLUSIVE

19 39. Plaintiff re-alleges each allegation contained in each and every previous paragraph as
20 though fully set forth herein

21 40. Defendants' unauthorized shooting and killing of Mary Jane and China was an
22 interference with Plaintiff's ownership rights of those two dogs.

23 41. Defendants' interference with Plaintiff's ownership of Mary Jane and China was
24 intentional.

25 42. Defendants' intentional interference with Plaintiff's ownership of Mary Jane and China
26 resulted in the dogs' deaths and thereby a total loss to Plaintiff of the value of Mary Jane and
27 China.

28 | //

FOURTH CAUSE OF ACTION

3 43. Plaintiff re-alleges each allegation contained in each and every previous paragraph as
4 though fully set forth herein.

5 44. Defendants' acts of torturing and killing Mary Jane and China were extreme and
6 outrageous conduct, shocking the conscience of any decent civilized society.

7 45. Defendants' acts of torturing and killing Mary Jane and China were done with the intent
8 of causing, or with reckless disregard for the probability of causing, emotional distress to Plaintiff.
9 The conduct of Defendants clearly indicates that Plaintiff was targeted, and continued to be
10 targeted, by Defendants. The behavior of the individual Defendants shows they were angry at
11 Plaintiff and wanted her to suffer for her dogs allegedly killing O'NEAL's dogs. Defendants made
12 it clear that they wanted Plaintiff to feel frightened and stressed.

13 46. As a direct result of Defendants' extreme and outrageous conduct in torturing, shooting
14 and killing Mary Jane and China, Plaintiff has suffered, and continues to suffer, severe emotional
15 distress. Plaintiff has chest and stomach pains when she sees a police officer, irritable bowel
16 syndrome, anxiety attacks, upper gastrointestinal problems, nervousness and a general feeling of
17 distress.

FIFTH CAUSE OF ACTION
FOR STATUTORY VIOLATIONS
AGAINST ALL DEFENDANTS AND DOES 1-20, INCLUSIVE

20 47. Plaintiff re-alleges each allegation contained in each and every previous paragraph as
21 though fully set forth herein.

22 48. Defendants, and each of them, violated the Coalinga Municipal Code § 6-1.02(a)(4) by
23 failing “to [h]umanely destroy or give emergency care to sick or injured animals including dogs
24 and cats.” By failing to abide by the Municipal Code, Plaintiff suffered, and continues to suffer,
25 the loss of her companion animals, in an amount according to proof.

26 49. Further, as Defendants, and each of them, tortured and killed, or allowed the torture and
27 killing, of Mary Jane and China, "in disregard of humanity," Plaintiff is entitled to exemplary

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1 damages as against the individual Defendants under *Code of Civil Procedure* § 3340, in an amount
2 according to proof.

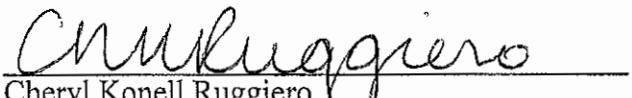
3 WHEREFORE, Plaintiff NEWMAN prays for judgment against the Defendants, and each of
4 them, as follows:

- 5 1. For general and compensatory damages against all Defendants, according to proof;
- 6 2. For punitive and exemplary damages against the individual Defendants, according to
7 proof;
- 8 3. For emotional distress damages relating to the causes of action for trespass to chattel and
9 intentional infliction of emotional distress;
- 10 4. For reasonable costs of suit incurred herein; and
- 11 5. For such other and further relief as the Court may deem just and proper.

12
13 Dated: January 3, 2013

Respectfully submitted,

14 KONELL RUGGIERO & KONELL LLP

15 
16 Cheryl Konell Ruggiero
17 Attorneys for Plaintiff, DONNELLE NEWMAN

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DEMAND FOR JURY TRIAL

Plaintiff herein requests a jury trial in this matter.

Dated: January 3, 2013

KONELL RUGGIERO & KONELL LLP

Cheryl Konell Ruggiero
Cheryl Konell Ruggiero
Attorneys for Plaintiff, DONNELLE NEWMAN

1 Cheryl Konell Ruggiero – Bar No. 146885
2 Jerome J. Konell – Bar No. 150394
2 KONELL RUGGIERO & KONELL LLP
3 888 S. Figueroa Street, Suite 860
3 Los Angeles, CA 90017
4 Phone 213-538-1360; Fax 213-538-1368
4 E-Mail: cheryl@krklaw.net

5 Attorneys for Plaintiff, DEBORAH S. IRELAND

FILED

JAN 12 2012

FRESNO COUNTY SUPERIOR COURT
By

SXG - DEPUTY

7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10

11 DEBORAH S. IRELAND,

12 Plaintiff,

13 vs.

14 CITY OF COALINGA; and DOES 1 – 25,
15 inclusive,

16 Defendants.

17 CASE NO.

18 *Unlimited Civil Action*

19 COMPLAINT FOR DAMAGES

20 JURY DEMANDED

21 Plaintiff DEBORAH S. IRELAND complains and alleges as follows:

22 **I. NATURE OF THE ACTION**

23 1. This is a civil action brought by Plaintiff DEBORAH S. IRELAND (“Plaintiff” or
24 “IRELAND”), a former Reserve Police Officer with the Coalinga Police Department, for
25 retaliation by Defendants as a result of Plaintiff’s complaints about a matter of public concern.
Plaintiff is seeking general damages against Defendant CITY OF COALINGA (Defendant(s) or
“CITY”).

26 **II. JURISDICTION AND VENUE**

27 2. This Court has jurisdiction over these claims under California *Labor Code* § 1102.5.

28 ///

3. The wrongful and retaliatory acts and/or omissions that form the basis for the causes of action in this complaint occurred in the City of Coalinga, County of Fresno, State of California, and Plaintiff is seeking damages in excess of \$25,000.

III. PARTIES

4. Plaintiff IRELAND was, at all times relevant to this complaint and the underlying incidents, and still is, a resident of the City of Coalinga, California. During the relevant events, Plaintiff was a sworn Reserve Police Officer and employee of the Coalinga Police Department, an agency of the CITY.

9 5. Defendant CITY was, at all times relevant to this complaint and the underlying incidents,
10 and still is, a public entity organized and existing under the laws of the State of California, with
11 central offices located at 155 West Durian, Coalinga, California 93210. At all relevant times
12 hereto, Defendant CITY was a public entity within the County of Fresno, State of California. At
13 all times pertinent hereto, Defendant CITY owned, controlled and operated the law enforcement
14 agency known as the Coalinga Police Department, located at 270 North 6th Street, Coalinga,
15 California 93210.

16 6. Plaintiff is informed and believes, and thereon alleges, that Defendants DOES 1 through
17 25, and each of them, were, at all times relevant hereto, public, business, and/or other entities
18 whose form is unknown, and/or other individuals, committing torts in and/or engaged as a matter
19 of commercial actuality, in purposeful economic activity with/within the CITY, County of Fresno,
20 State of California.

21 7. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named
22 Defendants engaged in intentional, reckless or negligent conduct and is responsible in some
23 manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were
24 directly and legally (proximately) caused by such Defendants' conduct.

25 8. Each of the Defendants (including all DOE Defendants), in carrying out the acts
26 complained of herein, was acting in the course and scope of his, her, their or its employment and/or
27 as the employer, employee, principal, co-conspirator and/or agent of each of the other Defendants

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1 and/or in concert with the other Defendants and/or in partnership with the other Defendants and/or
2 as a joint venture with the other Defendants.

3 9. Plaintiff will file DOE amendments, and/or ask leave of court to amend this complaint, to
4 assert the true names and capacities of DOE Defendants when they have been ascertained.

5 10. Reference to actions or conduct of "Defendants" or to "Defendants, and each of them,"
6 shall include the singular and plural and shall include all Defendants in this action, whether named
7 or designated as a DOE. Reference to any singular Defendant shall include all DOE Defendants to
8 which the facts later are shown to apply.

9 **III. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10 11. On or about September 29, 2011, Plaintiff submitted her Government Tort Claim for
11 Damages against the CITY. A copy of that Claim is attached hereto and incorporated herein as
12 Exhibit A.

13 12. Plaintiff's Claim was rejected by letter dated November 7, 2011. A copy of that rejection
14 letter is attached hereto and incorporated herein as Exhibit B.

15 **IV. GENERAL ALLEGATIONS**

16 13. Plaintiff was a Reserve Police Officer with the Coalinga Police Department from about
17 July 28, 2005 to her date of termination on or about May 17, 2011. As a part-time Reserve Officer,
18 working between 24 and 40 hours per month, Plaintiff earned an hourly wage of more than the
19 State's minimum rate. Prior to being a part-time Reserve Officer, Plaintiff had been a full time
20 peace officer with other municipal and state agencies.

21 14. On or about February 19, 2011, Plaintiff's daughter's two dogs, who were in the custody
22 of Animal Control in Coalinga, were brutally tortured and killed by three on-duty Coalinga Police
23 Officers – Earl O'Neal, Scott Ford and Juan Cisneros. Upon learning of the horrific event, on or
24 about February 22, 2011, Plaintiff felt compelled to report the misconduct and, therefore, wrote an
25 email to the Police Chief in that regard.

26 15. On or about February 24, 2011, Plaintiff was interviewed at the Police Department
27 concerning the incident; she was ordered not to inform her daughter (the owner of the dogs) about
28 what had happened to the dogs and not to discuss the case. When Plaintiff's daughter and son-in-

1 law were interviewed by the Police Department on or about March 2, 2011, they were not told
2 about the incident and believed the interview concerned how the dogs had been taken by and to
3 Animal Control. On or about March 12, 2011, Plaintiff was told and reminded by her Sergeant not
4 to talk about the dog incident.

5 16. On or about May 11, 2011, Plaintiff's husband sent an email to the District Attorney
6 concerning the incident. On or about May 16, 2011, Plaintiff's daughter learned about the incident
7 from her hairdresser. Shortly thereafter on that same day, Plaintiff's daughter went to the City of
8 Coalinga to file a complaint; that written complaint was submitted on or about May 20, 2011

9 17. On or about May 17, 2011, the day after Plaintiff's daughter visited the City of Coalinga
10 to file her complaint, Plaintiff received an email from Lieutenant Darren Blevins asking her to see
11 him. According to the Memorandum dated May 17, 2011, Plaintiff was terminated from her
12 Reserve Officer position as of that date, although she did not receive that memo until she also
13 received the Personnel Action Form on or about June 23, 2011.

14 18. Plaintiff was unlawfully terminated for reporting the egregious misconduct of Coalinga
15 Police Officers.

16 **V. CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION**
18 **FOR RETALIATION PURSUANT TO *LABOR CODE § 1102.5***
AS AGAINST ALL DEFENDANTS AND DOES 1-25, INCLUSIVE

19 19. Plaintiff re-alleges each allegation contained in each and every previous paragraph as
20 though fully set forth herein.

21 20. California *Labor Code § 1102.5(b)* states that “[a]n employer may not retaliate against an
22 employee for disclosing information to a government or law enforcement agency, where the
23 employee has reasonable cause to believe that the information discloses a violation of state or
24 federal statute, or a violation or noncompliance with a state or federal rule or regulation.”

25 21. Plaintiff disclosed information to the CITY and the Coalinga Police Department,
26 government and law enforcement agencies, which Plaintiff had reasonable cause to believe
27 disclosed violations of municipal, state or federal statutes, or violation or noncompliance with
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1 municipal, state or federal rules or regulations, by other employees of the CITY and the Coalinga
2 Police Department.

3 22. Plaintiff disclosed that three police officers had brutally tortured and shot and killed three
4 dogs while in the custody and control of the Coalinga Police Department.

5 23. After complaining to superiors and others in the CITY, Plaintiff was harassed and
6 retaliated against by Defendants and, in retaliation, was terminated from her position as a Reserve
7 Officer with the Coalinga Police Department.

8 24. Plaintiff disclosed information to the CITY and the Coalinga Police Department,
9 government and/or law enforcement agencies, which Plaintiff had reasonable cause to believe
10 disclosed violations of municipal, state or federal statutes, or violation or noncompliance with
11 municipal, state or federal rules or regulations, by other employees of the CITY and the Coalinga
12 Police Department, including but not limited to Coalinga Municipal Code § 6-1.02(a), California
13 *Civil Code* §§ 1834, 1838, 3340 and California *Penal Code* § 597, as well as other violations of
14 municipal, state and/or federal statutes, codes and/or regulations.

15 25. Defendants, and each of them, retaliated against Plaintiff for disclosing information to the
16 CITY and the Coalinga Police Department which Plaintiff had reasonable cause to believe
17 disclosed violations of municipal, state or federal statutes, or violations or noncompliance with
18 municipal, state or federal rules or regulations, by terminating Plaintiff and, further, by stating on
19 the termination documents that Plaintiff is not eligible for rehire. Defendants' actions have had a
20 substantial and material adverse effect on Plaintiff's standing and reputation in the community,
21 potentially negatively affecting her prospects for community and career opportunities.

22 26. A motivating reason for Defendants, and each of them, engaging in the foregoing adverse
23 employment actions against Plaintiff was to retaliate for the Plaintiff's engaging in the protected
24 activities of disclosing information to the CITY and the Coalinga Police Department, government
25 and/or law enforcement agencies, which the Plaintiff had reasonable cause to believe disclosed
26 violations of municipal, state or federal statutes, or violations or noncompliance with state or
27 federal rules or regulations, in violation of *Labor Code* § 1102.5, et seq.

28 ///

1 27. Defendants, and each of them, further retaliated against Plaintiff for refusing to be quiet
2 and refrain from complaining and speaking out about the outrageous conduct of the three police
3 officers, who are still active and on duty with the Coalinga Police Department.

4 28. As a legal result of the above-described conduct of Defendants, and each of them, Plaintiff
5 has sustained and will continue to sustain physical, mental and emotional injuries, pain, distress,
6 suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured feelings,
7 mental suffering, shock, humiliation and indignity, as well as other unpleasant physical, mental and
8 emotional reactions, damages to good name, reputation, standing in the community and other non-
9 economic damages.

10 29. As a further legal result of the above-described conduct of Defendants, and each of them,
11 Plaintiff has been required, and/or in the future may be required, to engage the services of health
12 care providers, and incur expenses for medicines, health care appliances, modalities and/or other
13 related expenses in a sum to be ascertained according to proof.

14 30. As a further legal result of the above-described conduct of Defendants, and each of them,
15 Plaintiff was and/or will be hindered, prevented and/or precluded from performing Plaintiff's usual
16 activities, namely the position of a part-time Reserve Officer employed by the Coalinga Police
17 Department, causing the Plaintiff to sustain damages for loss of income, wages, earning and
18 earning capacity, and other economic damages, in an amount to be ascertained according to proof.

19 31. As a further legal result of the above-described conduct of Defendants, and each of them,
20 Plaintiff has suffered, and continues to suffer, incidental, consequential and/or special damages, in
21 an amount according to proof.

22 32. As a further legal result of the above-described conduct of Defendants, and each of them,
23 Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to proof.

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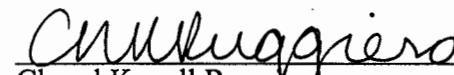
1 WHEREFORE, Plaintiff IRELAND prays for judgment against the Defendants, and each of
2 them, as follows:

3 1. For general and compensatory damages against all Defendants, according to proof;
4 2. For reasonable attorneys' fees incurred;
5 3. For reasonable costs of suit incurred; and
6 4. For such other and further relief as the Court may deem just and proper.

7
8 Dated: January 9, 2012

Respectfully submitted,

9 KONELL RUGGIERO & KONELL LLP

10 
11 Cheryl Konell Ruggiero
12 Attorneys for Plaintiff, DEBORAH S. IRELAND

DEMAND FOR JURY TRIAL

Plaintiff herein requests a jury trial in this matter.

Dated: January 9, 2012

KONELL RUGGIERO & KONELL LLP

Cheryll Ruggiero
Cheryll Konell Ruggiero
Attorneys for Plaintiff, DEBORAH S. IRELAND

EXHIBIT A

KONELL RUGGIERO & KONELL LLP
ATTORNEYS AT LAW

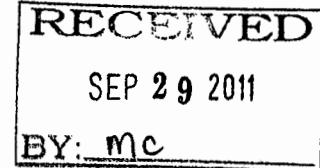
888 S. Figueroa St., Suite 860
Los Angeles, CA 90017
213-538-1360 Telephone
213-538-1368 Facsimile

CHERYL KONELL RUGGIERO
crkr@krklawyers.com
JEROME J. KONELL
jjk@krklawyers.com

Via Certified Mail, Return Receipt Requested

September 26, 2011

CITY OF COALINGA
Claim for Damages – City Hall
155 West Durian Avenue
Coalinga, CA 93210



RE: GOVERNMENT CLAIM FOR DAMAGES
My Client/Claimant: Deborah Ireland

Dear Madams/Sirs:

Please accept this letter and the enclosed documents as a formal Claim for Damages against the City of Coalinga in connection with the termination of Reserve Officer Deborah Ireland from the Coalinga Police Department. If the City of Coalinga has a particular form that must be completed, as well, please provide me with that form so that this letter and the enclosed documentation may be attached thereto. Also enclosed is an executed Client Designation of Attorney form for your file.

CLAIM FOR DAMAGES

1. Claimant's name and address: Deborah S. Newman Ireland, 310 Cornell Avenue, Coalinga, CA 93210.
2. Notices to be sent to: Cheryl Konell Ruggiero, Konell Ruggiero & Konell LLP, 888 S. Figueroa Street, Suite 860, Los Angeles, CA 90017, (213) 538-1360.
3. Date, place and other circumstances of the occurrence giving rise to the claim: Claimant was a Reserve Officer for the Coalinga Police Department from about July 28, 2005 to her date of termination on or about May 17, 2011. On or about February 19, 2011, Claimant's daughter's two dogs, who were in the custody of Animal Control in Coalinga, were brutally tortured and killed by three on-duty Coalinga Police Officers – Earl O'Neal, Scott Ford and Juan Cisneros. Upon learning of the horrific event, on or about February 22, 2011, Claimant felt compelled to report the misconduct and, therefore, wrote an email to the Police Chief in that regard. (A copy of that email is attached hereto as Exhibit A.)

On or about February 24, 2011, Claimant was interviewed at the Police Department concerning the incident; she was ordered not to inform her daughter (the owner of the dogs) about what had happened to the dogs and not to discuss the case. When Claimant's daughter and son-in-law were interviewed by the Police Department on or about March 2, 2011, they were not told about the incident and believed the interview concerned how the dogs had been taken by and to Animal Control. On or about March 12, 2011, Claimant was told and reminded by her Sergeant not to talk about the dog incident.

On or about May 11, 2011, Claimant's husband sent an email to the District Attorney concerning the incident. (A copy of that email is attached hereto as Exhibit B.) On or about May 16, 2011, Claimant's daughter learned about the incident from her hairdresser. Shortly thereafter on that same day, Claimant's daughter went to the City of Coalinga to file a complaint; that written complaint was submitted on or about May 20, 2011. (A copy of that complaint is attached hereto as Exhibit C.)

On or about May 17, 2011, the day after Claimant's daughter visited the City of Coalinga to file her complaint, Claimant received an email from Lieutenant Darren Blevins asking her to see him. (A copy of that email is attached hereto as Exhibit D.) According to the Memorandum dated May 17, 2011, Claimant was terminated from her Reserve Officer position as of that date, although she did not receive that memo until she also received the Personnel Action Form on or about June 23, 2011. (Copies of the Memorandum and Personnel Action Form are attached hereto, respectively, as Exhibits E and F.)

Claimant was unlawfully terminated for reporting the egregious misconduct of Coalinga Police Officers. Further, Claimant was terminated for her husband's and daughter's subsequent complaints concerning the same incident. Claimant's termination violates State and Federal laws protecting whistleblowers; further, her termination violates the Fair Employment and Housing Act, as well as other Constitutional provisions.

4. Description of the injuries: Plaintiff has suffered, and continues to suffer, emotional distress and mental anguish, loss of reputation, loss of career and loss of job opportunities.

5. Names of the public employees causing the injuries: Chief Cal Minor, Lieutenant Darren Blevins, City of Coalinga City Manager and others unknown at this time.

6. Names of witnesses: Without exclusivity, the following: Mike McLeod, Alex Rausch, Allie Witt, Sean Young, Robert Olivera, Darren Blevins, Cal Minor, Patrick Ireland, Donnelle Newman, employees of the Fresno County District Attorney's Office, employees of the City Manager.

Claim for Damages
Re: Claimant Ireland
September 26, 2011
Page 3 of 3

7. Amount of damages claimed: More than \$25,000, exceeding limited jurisdiction.

Your consideration of the enclosed Claim is appreciated.

Sincerely,

KONELL RUGGIERO & KONELL LLP

Cheryl Ruggiero

Cheryl Konell Ruggiero

CRKR/cnp
Encl.
cc: Deborah Ireland (w/o encl.)

EXHIBIT B



CITY OF COALINGA
The Sunny Side of the Valley

NOTICE OF REJECTION OF CLAIM

November 7, 2011

Via First Class U.S. Mail

To: Cheryl Konell Ruggiero
Konell & Ruggiero & Konell, LLP
888 S. Figueroa Street, Suite 860
Los Angeles, CA 90017

Re: Rejection of Claim – Deborah Ireland/City of Coalinga

Dear Ms. Konell Ruggiero:

NOTICE IS HEREBY GIVEN THAT THE CLAIM YOU PRESENTED ON BEHALF OF DEBORAH IRELAND TO THE CITY OF COALINGA ON SEPTEMBER 26, 2011 (see attached) was rejected on November 3, 2011.

WARNING

Subject to certain exceptions, Ms. Ireland has only six (6) months after the date this notice was deposited in the mail to file a court action on this claim. See Government Code section 945.6.

[This time limitation applies only to causes of action for which Government Code sections 900-915.4 required Ms. Ireland to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.]

Ms. Ireland obviously may seek the advice of an attorney of her choice in connection with this matter. If she desires to consult an attorney, she should do so immediately.

PROOF OF SERVICE

On November 7, 2011, I served the within Notice Of Rejection Of Claim on Cheryl Konell Ruggiero by placing a true copy thereof enclosed in a sealed envelope in the outgoing mail addressed as requested by the claimant to: Konell & Ruggiero & Konell, LLP, 888 S. Figueroa Street, Suite 860, Los Angeles, CA 90017 I declare under penalty of perjury that the foregoing is true and correct. Executed in Coalinga, California on November 7, 2011.

Marissa Chavez

A handwritten signature of Marissa Chavez.

Human Resources Director

Enclosure: Deborah Ireland Government Claim for Damages

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Cheryl Konell Ruggiero (146885) / Jerome J. Konell (150394)
 Konell Ruggiero & Konell LLP
 888 S. Figueroa Street, Suite 860
 Los Angeles, CA 90017
 TELEPHONE NO: 213-538-1360 FAX NO: 213-538-1368

ATTORNEY FOR (Name): Plaintiff, DEBORAH S. IRELAND

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
 STREET ADDRESS: 1130 O Street
 MAILING ADDRESS: 1130 O Street
 CITY AND ZIP CODE: Fresno, CA 93721-2220
 BRANCH NAME: B. F. Sisk Courthouse

CASE NAME:
 DEBORAH S. IRELAND v. CITY OF COALINGA, et al.

CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER:
<input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)		<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	120ECG00171
			JUDGE:
			DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Real Property	Enforcement of Judgment
<input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort	Unlawful Detainer	Miscellaneous Civil Complaint
<input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment	Judicial Review	Miscellaneous Civil Petition
<input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 1

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 9, 2012

Cheryl Konell Ruggiero

(TYPE OR PRINT NAME)

► *Cheryl Ruggiero*

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary cause of action**. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)–Personal Injury/Property

Damage/Wrongful Death

Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)

Asbestos Property Damage
Asbestos Personal Injury/
Wrongful DeathProduct Liability (*not asbestos or toxic/environmental*) (24)

Medical Malpractice (45)

Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care
Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)Intentional Infliction of
Emotional DistressNegligent Infliction of
Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)

Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (*not medical or legal*)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)

Other Employment (15)

CASE TYPES AND EXAMPLES**Contract**

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (*not unlawful detainer or wrongful eviction*)

Contract/Warranty Breach–Seller

Plaintiff (*not fraud or negligence*)

Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open book accounts) (09)

Collection Case–Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (*not provisionally complex*) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)**Unlawful Detainer**

Commercial (31)

Residential (32)

Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)**Judicial Review**

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ–Administrative Mandamus

Writ–Mandamus on Limited Court

Case Matter

Writ–Other Limited Court Case

Review

Other Judicial Review (39)

Review of Health Officer Order

Notice of Appeal–Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)**Enforcement of Judgment**

Enforcement of Judgment (20)

Abstract of Judgment (Out of County)

Confession of Judgment (*non-domestic relations*)

Sister State Judgment

Administrative Agency Award (*not unpaid taxes*)

Petition/Certification of Entry of Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (*not specified above*) (42)

Declaratory Relief Only

Injunctive Relief Only (*non-harassment*)

Mechanics Lien

Other Commercial Complaint Case (*non-tort/non-complex*)Other Civil Complaint (*non-tort/non-complex*)**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)

Other Petition (*not specified above*) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late Claim

Other Civil Petition

Alternative Dispute Resolution

Information Packet

Overview & History

Alternative Dispute Resolution (ADR) is an increasingly popular option that allows people to resolve disputes outside of court in a cooperative manner. ADR can be faster, cheaper, and less stressful than going to court. Most importantly, the use of ADR can provide greater satisfaction with the way disputes are resolved.

ADR has been gradually evolving within the Fresno Superior Court for the past several years. In 1999 the Court recognized a need for greater public access to dispute resolution for cases and established an ADR Department. This department assists parties by providing information regarding ADR processes and services.

Additionally, in 2006 a Case Management Conference (CMC) order was implemented requiring parties in general civil cases to participation in ADR prior to trial. This order and supporting ADR forms can be found on the court's website, www.fresnosuperiorcourt.org under the "forms," section. Also, participation in ADR does not eliminate the need for proper and timely filing of case documents, such as an Answer to Complaint.

Disputes

ADR techniques have been used successfully in a variety of disputes involving individuals, small and large businesses, government, and the general public. Various types of ADR processes are available depending on the nature of the dispute. Many types of conflict often lend themselves to an alternative and informal method of dispute resolution. Some examples of disputes often settled by ADR include **but are not limited to:**

- Business disputes- contracts, partnerships
- Property / Land use disputes- property transfers, boundaries, easements
- Family disputes – divorce, property, custody, visitation, support issues
- Consumer / Collection disputes- repairs, services, warranties, debts
- Employment disputes- employment contracts, terminations
- Landlord/tenant disputes- evictions, rent, repairs, security deposits
- Neighborhood disputes / Relational disputes or other civil or personal conflicts
- Personal Injury / Insurance disputes- accidents, coverage, liability

Processes:

The most common forms of ADR are Mediation, Arbitration, and Case Evaluation. In most ADR processes, a trained, impartial person decides or helps the parties reach resolution of their dispute together. The persons are neutrals who are normally chosen by the disputing parties or by the court. Neutrals can often help parties resolve disputes without having to go to court or trial. Below is a description of commonly used processes:

Mediation

In mediation, the mediator (a neutral) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the mediator **does not** decide how the dispute is to be resolved. The parties do. It is a cooperative process in which the parties work together toward a resolution that tries to meet everyone's interests, instead of working against each other. Mediation often leads to better communication between the parties and lasting resolutions. It is particularly effective when parties have a continuing relationship, such as neighbors or businesses. It also is very effective where personal feelings are getting in the way of a resolution. Mediation normally gives the parties a chance to express their concerns in a voluntary, confidential process while working towards a resolution. **The mediation process is commonly used for most civil case types and can provide the greatest level of flexibility for parties.**

Arbitration

In arbitration, the arbitrator (a neutral) reviews evidence, hears arguments, and **makes a decision (award) to resolve the dispute.** This is very different from mediation whereby the mediator helps the parties reach their own resolution. Arbitration normally is more informal, quicker, and less expensive than a lawsuit. In a matter of hours, an arbitrator often can hear a case that otherwise may take a week in court to try. This is because the evidence can be submitted by documents rather than by testimony.

1. **Binding arbitration:** Usually conducted by a private arbitrator, this process takes place outside of the court. "Binding" means that the arbitrator's decision (award) is final and there will not be a trial or an opportunity to appeal the decision.
2. **Non-binding arbitration:** May be ordered through the court (Judicial Arbitration) or conducted privately. In this process, the arbitrator's decision is "not binding." This means that if a party is not satisfied with the decision of the arbitrator, they can file a request for trial with the court within a specified time. However, depending on the process if that party does not receive a more favorable result at trial, they may have to pay a penalty.

Case Evaluation

In case evaluation, the evaluator (a neutral) gives an opinion on the strengths and weaknesses of each party's evidence and arguments. Each party gets a chance to present their case and hear the other side. This may lead to a settlement, or at the least, help the parties prepare to resolve the dispute later. Case evaluation, like mediation, can come early in the dispute and save time and money. The case evaluation process is most effective when parties have an unrealistic view of the dispute, need outside assistance in determining case value, and have technical or scientific questions to be worked out. This process is sometimes used in combination with mediation or arbitration.

ADR Agreements:

Agreements reached through ADR normally are put into writing and can become binding contracts that can be enforced by the court if the parties. Parties may choose to seek the advice of an attorney as to your legal rights and other matters relating to the dispute before finalizing any agreement.

ADR Process Selection & Information:

There are several other types of ADR. Some of these include conciliation, settlement conference, fact finding, mini-trial, Victim Offender conferencing, and summary jury trial. Sometimes parties will try a combination of ADR types. The important thing is to find the type of ADR that is most likely to resolve the dispute. Contact the ADR department staff for assistance for additional information and referral to services appropriate for each specific case.

Advantages & Disadvantages of ADR:

Advantages

- **Often quicker than going to trial**, a dispute may be resolved in a matter of days or weeks instead of months or years.
- **Often less expensive**, saving the litigants court costs, attorney's fees and expert fees.
- **Permits more participation and empowerment**, allowing the parties the opportunity to tell their side of the story and have more control over the outcome.
- **Allows for flexibility** in choice of ADR processes and resolution of the dispute.
- **Fosters cooperation** by allowing the parties to work together with the neutral to resolve the dispute and mutually agree to a remedy.
- **Often less stressful** than litigation. Most people have reported a high degree of satisfaction with ADR.

Because of these advantages, many parties choose ADR to resolve disputes instead of filing a lawsuit. Even after a lawsuit has been filed, the court can refer the dispute to a neutral before the lawsuit becomes costly. ADR has been used to resolve disputes even after trial, when the result is appealed.

Disadvantages of ADR

- ADR may not be suitable for every dispute.
- If the ADR process is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services. If the dispute is not resolved through ADR, the parties may then have to face the usual and traditional costs, such as attorney's fees and expert fees.
- Lawsuits must be brought within specified periods of time, known as Statutes of Limitations. Parties must be careful not to let a Statute of Limitation run while a dispute is in an ADR process.

Neutral Selection:

The selection of a neutral is an important decision. Please note that currently there is no legal requirement that the neutral be licensed or hold any particular certificate. However, the Court and many private programs have established qualification requirements and standards of conduct for their neutral panels.

*A list of trained neutrals is available to assist parties on a fee-for-service basis. These individuals have met the requirements to participate on the Court's panel and provide private dispute resolution services. **Panelists are not Court employees; therefore service, style and expertise will vary by individual provider.**

Cases involving self-represented litigants or those unable to afford a private mediator, the court has three organizations that provide **free or low cost** mediation services through Dispute Resolution Program Act (DRPA) funding. These organizations include:

- **Better Business Bureau Mediation Center**- This organization provides mediation for small claims, landlord / tenant, business, consumer/ merchant, harassment, and neighborhood disputes. For more information about their services go to www.valleymediation.net.

4201 W. Shaw Ave., Ste. 107
Fresno, CA 93722
559.256.6300 (phone)
800.675.8118, ext. 300 (toll free)
www.bbbcencal.org

- **Fresno Pacific Mediation Services**- This organization is affiliated with Fresno Pacific University, Mediation Associates and Victim Offender Reconciliation Program (VORP). They offer mediation for cases involving contract, property, corporate partnerships, family, employment, organization, and victim/offender disputes. For more information go to www.peace.fresno.edu/mediate/.

1717 S. Chestnut Avenue
Fresno, CA. 93702
(559) 453-3423
mediation.services@fresno.edu

- **San Joaquin College of Law Mediation Center**- This organization provides free mediation to self-represented parties regarding family law **property** disputes. They also assist with the preparation of marital settlement agreements for divorcing parties. For more information go to www.sjcl.edu and click on mediation.

905 5th Street
Clovis, CA. 93612
(559) 323-2100

For more information, go to www.fresnosuperiorcourt.org/alternative_dispute_resolution or contact :

Mari Henson, Administrator **John Montejano, Asst. Administrator**

1130 "O" Street, Fresno CA 93724-0002 1130 "O" Street, Fresno, CA 93724-0002

TEL (559) 457-1908, FAX (559) 457-1691 TEL (559) 457-1909, FAX (559) 457-1691

mhenson@fresno.courts.ca.gov jmontejano@fresno.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO:	FAX NO:	
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO 1130 "O" Street Fresno, California 93724-0002 (559) 457-1909		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
STIPULATION REGARDING ALTERNATIVE DISPUTE RESOLUTION (ADR)		CASE NUMBER:

The parties stipulate that they will engage in the following Alternative Dispute Resolution (ADR) process:

Mediation Arbitration Neutral Case Evaluation Other _____

The parties further stipulate that _____ has been selected as the mediator/arbitrator/neutral.

Address: _____

City, State, Zip _____

Phone Number: (_____) _____

The parties acknowledge that they shall engage in some form of Alternative Dispute Resolution (ADR). The Alternative Dispute Resolution (ADR) must be completed within **180 days** after the Case Management Conference or prior to the Mandatory Settlement Conference, whichever is earlier, unless given prior approval by the court to continue the date.

Parties will be required to file an **Alternative Dispute Resolution (ADR) Status Report** at least 10 court days prior to the Mandatory Settlement Conference. Failure to do so may result in sanctions at an Order to Show Cause (OSC) hearing set by the court.

Date	Type or Print Name	Signature of Party or Attorney for Party
Date	Type or Print Name	Signature of Party or Attorney for Party
Date	Type or Print Name	Signature of Party or Attorney for Party
Date	Type or Print Name	Signature of Party or Attorney for Party

Additional signatures on Stipulation Regarding Alternative Dispute Resolution (ADR) Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO:	FAX NO:	
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO 1130 "O" Street Fresno, California 93724-0002 (559) 457-1909		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
ALTERNATIVE DISPUTE RESOLUTION STATUS REPORT (ADR)		CASE NUMBER:

Type of Civil Case:

Personal Injury – Property Damage/Auto Personal Injury – Property Damage Contract Other _____

Date Complaint Filed: _____

Amount in controversy:

\$0 to \$25,000 \$25,000 to \$50,000 \$50,000 to \$100,000 Over \$100,000.00 (specify) _____

Date of Alternative Dispute Resolution (ADR) Conference: _____

Name, address, and telephone number of person who conducted the Alternative Dispute Resolution (ADR) Conference: _____

Case resolved by Alternative Dispute Resolution:

Yes (proper filing of a Notice of Settlement or Dismissal form is required by clerk's office)

No Reason: _____

Alternative Dispute Resolution process concluded:

Yes

No Reason for delay: _____
Next scheduled hearing date: _____

Type of resolution process used:

Mediation Arbitration Neutral Case Evaluation Other (specify) _____

Case was resolved by:

Direct Result of ADR Process Indirect Result of ADR Process Resolution was unrelated to ADR Process

If case went through ADR and resolved, estimate the closest dollar amount that was saved in attorney fees and/or expert witness fees by participating in the process.

\$0 \$250 \$500 \$750 \$1,000 More than \$1,000 (specify) _____

If case went through ADR and did not resolve, estimate the closest dollar amount of additional costs incurred due to participation in the ADR process.

\$0 \$250 \$500 \$750 \$1,000 More than \$1,000 (specify) _____

Case Number:

Check the closest estimated number of court days you saved in motions, hearings, conferences, trials, etc. as a direct result of this case being referred to this dispute resolution process:

0 Days 1 Day More than 1 day (specify) _____

If the dispute resolution process caused an increase in court time for this case, please check the estimated number of additional court days:

0 Days 1 Day More than 1 day (specify) _____

I would be willing to use the dispute resolution process again:

Yes No

Please provide any additional comments below regarding your experience with the ADR process: